

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0140

P.C. DATE: January 12, 2010

ADDRESS: 214 East Anderson Lane Service Road West Bound

OWNER/APPLICANT: Najib F. Wehbe

AGENT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: GR

TO: CS-1

AREA: 0.30 acres (13,158 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

1/12/10: Approved staff's recommendation of CS-1-CO on consent (7-0, D. Anderson, J. Reddy-absent); C. Small-1st, M. Dealey-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a restaurant use-Bongo's Restaurant and Bar (formerly Ninfa's Mexican Restaurant). The applicant is requesting CS-1, Commercial-Liquor Sales District, zoning because they would like to develop a cocktail lounge on the site. There is GR, Community Commercial District, zoning surrounding this site. The property to the north is developed with an apartment complex. To the east there is a hotel use (Best Western) and a restaurant use (Burger Tex). The tract of land to the west contains a financial services use (Frost National Bank).

The staff is recommending the applicant's request for CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining District, zoning for this site. The property in question meets the intent of the CS-1 district. This tract of land fronts onto an arterial roadway, East Anderson Lane (U.S. Highway 183). The property is surrounded by commercial zoning to the north, south, east and west. There are hotel and restaurant uses to the east that have direct access to this site.

This property is located within the future North Lamar Combined Planning Area (specifically the Georgian Acres Neighborhood Planning Area) which is currently in the planning process. The draft future land use map for the Neighborhood Plan currently designates this tract commercial mixed use. The North Lamar Combined Planning Area is proposed to come before the Planning Commission for consideration by the end of March of this year.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Restaurant (Bongo's Restaurant and Bar)
<i>North</i>	GR, MF-3	Multi-family/Apartments
<i>South</i>	GR, CS-NP	Parking on Site, U.S. 183, Moving Company
<i>East</i>	GR	Restaurant (Burger Tex), Hotel (Best Western Atrium North)
<i>West</i>	GR	Financial Services (Frost National Bank)

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Buttermilk Branch**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Parks Foundation
 Austin Independent School District
 Austin Monorail Project
 Austin Neighborhoods Council
 Brentwood/Highland Combined Neighborhood-COA Liaison
 Highland Neighborhood Association
 Highland/Skyview Neighborhood Plan Contact Team
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 North Austin Neighborhood Alliance
 Northcreek & Georgian Acres Neighborhood Association
 North Growth Corridor Alliance
 Sierra Club, Austin Regional Group
 St. Johns Advisory Board
 St. John Neighborhood Association
 Super Duper Neighborhood Objectors and Appeals Organization
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0162	SF-3 to CS-CO	12/03/02: Approved CS-CO by consent, with conditions for a 2,000 vtpd limit and to prohibit Personal Improvement Services and Vehicle Storage (5-0, M. Whaley-off dias, J. Martinez-absent)	1/09/03: Approved CS-CO zoning, with following conditions: 1) limit site to 2,000 vtpd, 2) prohibit Pawn Shop Services, Personal Improvement Services, Convenience Storage, Vehicle Storage, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, 3) prohibit vehicle access from the property to

			Delafield Lane, except for emergency vehicles (5-0, J. Goodman, D. Thomas-off dias); 1 st reading 2/13/03: Approved 2 nd /3 rd readings (7-0)
C14-00-2100	SF-3 to LO	11/14/00: Applicant withdrew case	N/A
C14-98-0019	W/LO, GR & CS-CO to CS-CO	5/12/98: Approved GR-MU-CO, with conditions to limit the site to 44 units and prohibit following uses: Art & Craft Studio, Automotive Rentals Automotive Repair Services, Automotive Sales, Automotive Washing, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Consumer Convenience Services, Drop-Off Recycling Collection Facility, Exterminating Services, Financial Services, Food Sales, Funeral Services, General Retail Sales-Convenience, General Retail Sales-General, Indoor Entertainment, Indoor Sports and Recreation, Off-Site Accessory Parking, Outdoor Entertainment, Outdoor Sports & Recreation, Pawn Shop, Personal Improvement Services, Personal Services, Pet Services, Research Services, Restaurant-Drive-In, Fast Food, Restaurant-Limited, Restaurant-General, Services Station, Plant Nursery, Theater, Club or Lodge, Cultural Services, Guidance Services, Hospital Services-Limited, Hospital Services-General (Vote:6-1-2)	7/16/98: Approved PC rec. of GR-MU-CO (7-0); all 3 readings

RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
US 183 (East Anderson Lane)	220'	varies	Arterial (FWY6)	143,000 (TXDOT, 2008)

CITY COUNCIL DATE: February 11, 2010

ACTION:

ORDINANCE READINGS: 1st

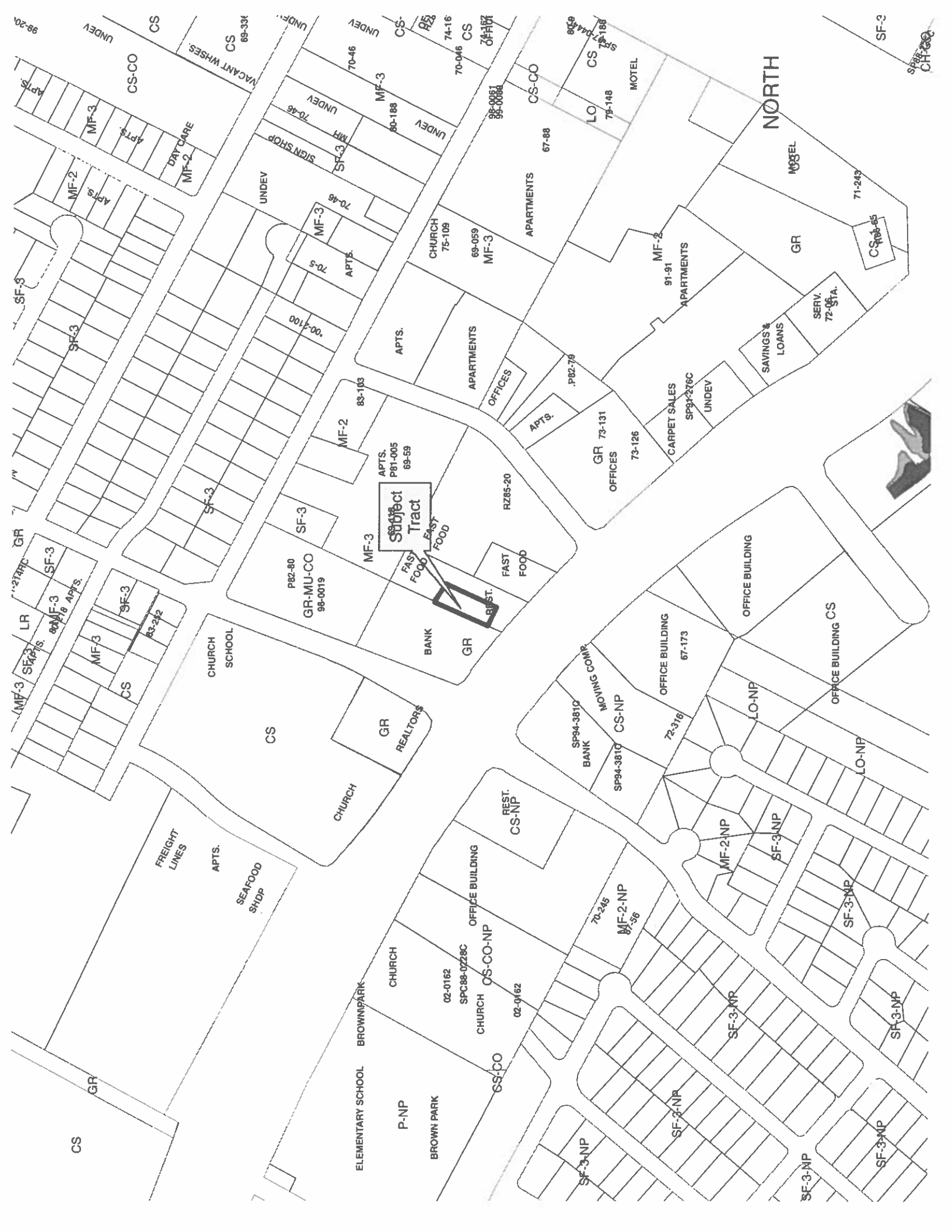
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3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



NORTH

Subject Tract

APTS. P81-005 69-59

GR-MU-CO 98-0019

CHURCH SCHOOL

FREIGHT LINES

SEAFOOD SHED

ELEMENTARY SCHOOL

CHURCH

BROWN PARK

CHURCH

REST. CS-NP

BANK

OFFICE BUILDING

OFFICE BUILDING

OFFICE BUILDING

SF-3-NP

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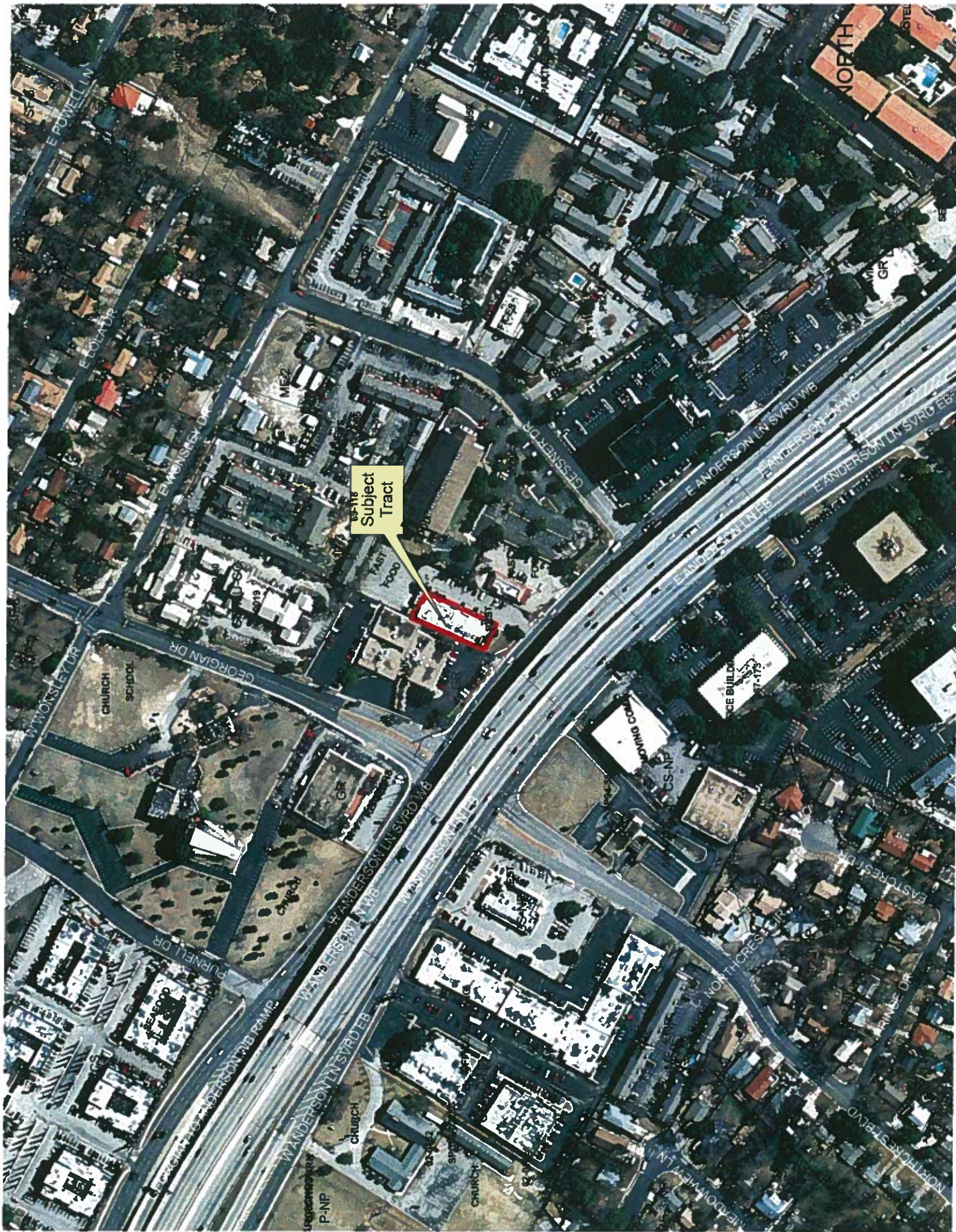
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STAFF RECOMMENDATION

The staff's recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Commercial-Liquor Sales (CS-1) district is intended for the development of a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

2. *Zoning should allow for reasonable use of the property.*

The proposed re-zoning of the site to the CS-1-CO district would allow the applicant to utilize an existing restaurant structure to allow for a new commercial uses on the site.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is a vacant restaurant building that takes access to U.S. Highway 183 (East Anderson Lane). The property to the north is developed with an apartment complex. To the east there is a hotel use and a restaurant use (Burger Tex). The tract of land to the west contains a financial services use (Frost National Bank).

Environmental

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 sq. ft. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the CS-1 zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Buttermilk Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

A Conditional Use permit will be required for this cocktail lounge, which includes a public hearing and decision by Land Use Commission.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
US 183 (East Anderson Lane)	220'	varies	Arterial (FWY6)	143,000 (TXDOT, 2008)

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

There are existing sidewalks along US 183 (East Anderson Lane).

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not proposed on US 183 (East Anderson Lane).

Capital Metro bus service (route no. 10) is available along Georgian North of US 183 (East Anderson Lane).

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

DBGS ANDERSON LANE, L.P.

100 E. Anderson Lane, Suite 200
Austin, TX 78752
Tel: (512) 833-6444 ♦ Fax: (512) 833-6448

January 8, 2010

City of Austin
Planning & Development Review Dept.
Attn: Sherri Sirwaitis
P.O. Box 1088
Austin, TX 78767-8810

Via Email: sherri.sirwaitis@ci.austin.tx.us

Re: Case Number: C14-2009-0140
Address: 214 E. Anderson Lane

Dear Ms. Sirwaitis:

I represent the ownership of the Frost Bank office building located at 100 E. Anderson Lane, which is directly adjacent to the subject property. I object to the proposed zoning change.

During the brief period that the recent occupant of the subject property (Twin Palms Restaurant) operated, we experienced repeated problems with their patrons. Twin Palms offered happy hours in the evenings that created overflow parking onto our property. Despite towing signs that have always been posted at the entrances of our parking lots (both in the front and rear of our building), on numerous occasions we were forced to have their cars towed away. In addition many of these patron left empty bottles and trash in our parking lot that we paid to have removed.

In summary, we are fearful that the approval of the zoning change will create problems for our office building and our tenants and force us to incur extra expenses.

Sincerely,
DBGS Anderson Lane, LP

By: Relding, Inc., its general partner



Randy Bassett, Vice President

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2009-0140

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jan. 12, 2010, Planning Commission

Feb. 11, 2010, City Council

Bruce R. Booth

Your Name (please print)

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

Your address(es) affected by this application

8001 and 8033 Gessner Drive, Austin TX

Signature

805-969-1936

Date

Comments: The above 2 properties consist

of 56 and 52 apartment units many of which

provide residences for families. Also, there

are quite a number of other apartment complexes

nearby. It is definitely not a location for

any type of liquor establishments.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810